



## Who to Contact

**Circuit Court** - are located in every county. For information and locations of Circuit Courts, visit <http://mdcourts.gov/circuit/directory.html>

**Criminal Justice Information System (CJIS)** of the Department of Public Safety & Correctional - services, collects and maintains criminal records. Voice: (888) 795-0011 Website: <http://www.dpscs.state.md.us/aboutdpscs/>

**District Court** - For information and locations of district courts visit <http://mdcourts.gov/district/directories/courtmap.html>

**Motor Vehicle Administration** - For information or locations, visit <http://www.mva.maryland.gov/LOCATION/default.asp>

*This fact sheet and others can be found at [www.mdeid.org](http://www.mdeid.org) and [www.mdworkforcepromise.org](http://www.mdworkforcepromise.org).*

*Questions?*

*Contact Maryland Department of Disabilities*

# Expungement

## Overview

As stated on the Maryland Department of Public Safety and Correctional Services' website, expungement is the removal of court and police records from public inspection. If there are no objections or appeals, the process of having a criminal record expunged should not take more than 90 days. In Maryland, expungement only applies to the removal of non-convictions and certain kinds of convictions. A Marylander can expunge records from the Motor Vehicle Administration files, police files and court and police files. There is not a process that will expunge records from all three agencies; an individual must go to the proper agency to have his/her record expunged for that agency.

## Guidelines for Getting Records Expunged

The following guidelines are for expunging records in the **Motor Vehicle Administration** files. Some motor vehicle records are automatically expunged after three years and other records have to be manually expunged; it depends upon the offense the individual was charged. To find out which records are automatically expunged and which ones need to be manually expunged, contact the Motor Vehicle Administration.

The following guidelines are for expunging **Police Record** files. Effective October 1, 2007, if an individual was held by the police but no charges were filed, the records will automatically be expunged within 60 days after release. If an individual was held by the police, but was released without being charged prior to October 1, 2007, records may exist. To have these records expunged, an individual needs to contact the arresting agency to request an Investigative Release Form and ask for specific information on how the process works. An individual must request that a record is expunged within 8 years of the date the incident occurred.

The following guidelines are for expunging **Court/Police records**. A court/police record may exist if an individual has been:

- ◆ arrested and charged with a crime, including a traffic violation, and prison term has been imposed, or
- ◆ charged with a civil offense or infraction instead of a criminal charge.

An individual may get these records expunged if:

- ◆ he/she was not found guilty,
- ◆ he/she was found guilty of certain nuisance crimes,
- ◆ the charge was dismissed,
- ◆ the charge resulted in probation before judgment (this does not include charges of driving under the influence or driving while impaired),
- ◆ the State's Attorney did not prosecute the charge,
- ◆ the Court postponed his/her case indefinitely or
- ◆ his/her case was compromised.

*See the side panel on this page for contact information.*

## Expungement Application

If you were released without being charged and did not have to appear in court, you need to:

- ◆ go to the agency where the arrest occurred; and
- ◆ request the appropriate forms and follow the agency's procedure to have the date of the arrest and charge removed from your Criminal History Record.

If you were charged with a crime, you need to:

- ◆ go to any District/Circuit Court; or ([www.courts.state.md.us](http://www.courts.state.md.us)) download a petition for expungement of police and court records (Form DC/CR 72) and a General Waiver and Release (Form DC/CR 78),
- ◆ submit the completed forms to the court clerk in the court where your case was heard; and
- ◆ pay the non-refundable filing fee.

## Tips for Expunging Records

According to the District Court of Maryland the following are helpful tips for succeeding with an expungement:

- ◆ Make sure that the expungement petition is correctly filled out with your full name, including any aliases that you used at the time of the arrest, date of birth and current address.
- ◆ If you do not know the dates of the arrest and occurrences, have a background check done through Criminal Justice Information System - Central Repository.
- ◆ Once the expungement process is completed, have a background check done to ensure that the expungement was done correctly.
- ◆ Make sure that you file at the appropriate time and not too soon. Filing too soon will cause the expungement to be denied.
- ◆ Make sure that you are filing in the appropriate court jurisdiction. If the case was appealed to a higher court, this is where the expungement needs to be filed.
- ◆ Keep copies of all of the expungement documents and order for future reference. Once the case is expunged, all documents will be destroyed.

## Criminal Record and Employment

Whether an individual is applying for a new position or a promotion, the likelihood of the employer conducting a criminal background check is high. If an individual has a criminal background, checking into whether or not the record could be expunged is well worth the effort. According to Maryland law, if an individual expunges his/her record then disclosure of the record is not required on the

application or interview. The individual does not have to provide any information regarding the expunged record when asked about criminal charges.

If an individual cannot get his/her record expunged another option is the Federal Bonding Program. This program provides an incentive for employers to hire qualified applicants who have a criminal background. If an individual is bonded, the employer

is protected free-of-charge for six months in the event of loss of money or property due to employee dishonesty.

For more information on the Federal Bonding Program, visit the Maryland Department of Labor, Licensing and Regulation's Division of Workforce Development website ([www.dllr.state.md.us](http://www.dllr.state.md.us)).

## Resources

### *Information Technology and Communication Division*

#### *Maryland Department of Public Safety & Correctional Services*

The Criminal Justice Information System - Central Repository maintains criminal records. To check your background, go to a local law enforcement agency and get fingerprinted. Overnight fingerprints to CJIS-Central Repository 6776 Reisterstown Rd, Suite 102, Baltimore, MD 21215 or mail them to CJIS-CR P.O. Box 32708, Pikesville, MD 21282.

Website: <http://www.dpscs.state.md.us/publicservs/bgchecks.shtml>

### *Maryland Department of Public Safety & Correctional Services*

Provides information on what expungements are, who is eligible, and how to apply for one.

Website: <http://www.dpscs.state.md.us/publicservs/expung.shtml>

### *Maryland Judiciary*

Provides information on expungement process in Maryland as well as forms needed for expungement.

Website: <http://www.courts.state.md.us/expungement/>